

ESTTA Tracking number: **ESTTA455949**

Filing date: **02/10/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	LinkedIn Corporation
Granted to Date of previous extension	02/22/2012
Address	2029 Stierlin Court Mountain View, CA 94043 UNITED STATES
Correspondence information	LinkedIn Corporation 2029 Stierlin Court Mountain View, CA 94043 UNITED STATES jcullum@cooley.com, afennimore@cooley.com, trademarks@cooley.com, aanderson@cooley.com

Applicant Information

Application No	85167622	Publication date	10/25/2011
Opposition Filing Date	02/10/2012	Opposition Period Ends	02/22/2012
Applicant	Linked Up Mommy 233 Naples Terrace 3C Bronx, NY 10463 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. All goods and services in the class are opposed, namely: Providing a fee based website where users can post and upload photographs of baby items for sale through on-line classified advertisements


Grounds for Opposition

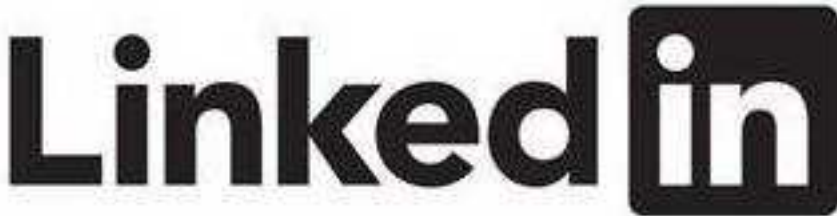
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3074241	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services

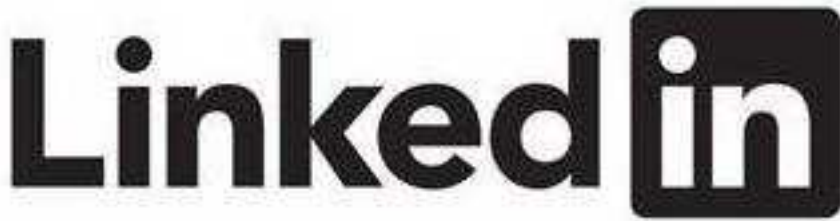
U.S. Registration No.	3074242	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services		

U.S. Registration No.	3959413	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00		

	Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking
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U.S. Registration No.	3963244	Application Date	07/16/2009
Registration Date	05/17/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking		

U.S. Registration	4067996	Application Date	07/16/2009
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No.			
Registration Date	12/06/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 035. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 providing information all relating to consumer products, services, events and activities in a particular geographic region		

Attachments	78245639#TMSN.jpeg (1 page)(bytes) 78245676#TMSN.gif (1 page)(bytes) 77981556#TMSN.jpeg (1 page)(bytes) 77981606#TMSN.jpeg (1 page)(bytes) 77982578#TMSN.jpeg (1 page)(bytes) LinkedIn - Notice of Opposition - 85167622.pdf (7 pages)(78337 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Janet L. Cullum/
Name	Janet L. Cullum
Date	02/10/2012

Certificate of Transmission	
I hereby certify that this correspondence is being electronically filed via ESTTA.	
	(Name)
<u>2/10/12</u>	(Date)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 85/167,622
 For the Trademark LINKED UP MOMMY WWW.LINKEDUPMOMMY.COM & Design
 Published in the Official Gazette
 on October 25, 2011

LINKEDIN CORPORATION,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
LINKED UP MOMMY, a Corporation,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer LinkedIn Corporation (“LinkedIn”), a Delaware corporation having its principal place of business at 2029 Stierlin Court, Mountain View, California 94043, believes that it will be damaged by the issuance of a registration for the mark LINKED UP MOMMY WWW.LINKEDUPMOMMY.COM & Design, in Application Serial No. 85/167,622, filed

November 2, 2010 by Linked Up Mommy, a New York corporation having its principal place of business at 233 Naples Terrace 3C, Bronx, New York 10463 (“Applicant”) (the “LINKED UP MOMMY Mark”). LinkedIn hereby opposes Applicant’s application pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. §1063.

As grounds for opposition, LinkedIn alleges that:

1. LinkedIn is the world’s leading online networking service for professionals. LinkedIn currently has over 135 million members. LinkedIn’s networking services facilitate the ability of its users to build and maintain relationships with an online community. LinkedIn’s members represent a wide range of professionals and businesses across many industries as well as individuals seeking career opportunities, social and community networking, and information and resources on a variety of topics. LinkedIn members have the opportunity to create groups, each of which is centered around a particular subject. Groups offer members a more focused network within which to promote services, develop personal and professional connections, and share resources. Among LinkedIn’s users are businesses and organizations as well as groups which post information and resources related to families and childcare.

2. Since its launch in 2003, LinkedIn has continuously used the marks LINKEDIN and LINKEDIN and Design (collectively the “LINKEDIN Marks”) in interstate commerce in the United States in connection with its services. LinkedIn is the owner of numerous U.S. registrations for the marks LINKEDIN and LINKEDIN and Design on the Principal Register. U.S. Registration Nos. 3,074,241 and 3,074,242 issued on March 28, 2006 and cover “[o]nline business networking services” in Class 35. U.S. Registration Nos. 3,959,413 and 3,963,244 issued May 10, 2011 and June 22, 2010, respectively, and cover, among other services, “providing information about products and services via telecommunication networks for

advertising and sales purposes” in Class 35. U.S. Registration No. 4,067,996 issued on December 6, 2011 and covers “providing information all relating to consumer products, services, events and activities in a particular geographic region” in Class 35. LinkedIn also has common law rights in the LINKEDIN Marks and has continually used these marks in connection with its services offerings since 2003.

3. LinkedIn has expended considerable effort and expense in promoting the LINKEDIN Marks and the services offered in connection with these marks, both in the United States and internationally, and the Marks embody the substantial and valuable reputation and goodwill that LinkedIn has earned in the marketplace for its high quality networking services. In addition to its own advertising efforts, LinkedIn has been the subject of thousands of unsolicited stories in the media, highlighting LinkedIn’s innovative and successful online business networking services.

4. As a result of LinkedIn’s widespread use of the LINKEDIN Marks worldwide, extensive advertising and promotion and continuous and unsolicited media coverage, as well as the high degree of consumer recognition of the LINKEDIN Marks, the strong and loyal base of customers that LinkedIn enjoys for its services, and LinkedIn’s trademark registrations, among other factors, the LINKEDIN Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c).

APPLICANT AND ITS PENDING APPLICATION

5. Applicant seeks to register the design mark LINKED UP MOMMY WWW.LINKEDUPMOMMY.COM in connection with “[p]roviding a fee based website where users can post and upload photographs of baby items for sale through on-line classified advertisements” in International Class 35 (the “LINKED UP MOMMY Mark”). This

application was published in the Official Gazette of the PTO on October 25, 2011. LinkedIn filed a Request for Extension of Time to Oppose on November 22, 2011 which was granted, extending the time to oppose to February 22, 2012. Due to its similarity in commercial impression with the LINKEDIN Marks and the overlap in services, the LINKED UP MOMMY Mark is likely to create consumer confusion.

6. LinkedIn is not affiliated or connected with Applicant or its services; nor has LinkedIn endorsed or sponsored Applicant or its services.

7. There is no issue as to priority of use. LinkedIn began using its LINKEDIN Marks, and enjoys priority as a result of the filing dates of its trademark registrations, well prior to the filing date of the application for the LINKED UP MOMMY Mark (November 2, 2010).

**FIRST GROUND FOR OPPOSITION
LIKELIHOOD OF CONFUSION**

8. LinkedIn incorporates by reference paragraphs 1 through 7, inclusive, as if fully set forth here.

9. For the reasons set forth above, registration of Applicant's Mark will injure LinkedIn by causing the public to be confused or mistaken into believing that the services provided by Applicant are endorsed or sponsored by LinkedIn. LinkedIn has no control over the nature and quality of the services offered by Applicant under the LINKED UP MOMMY Mark, and LinkedIn's reputation and goodwill will be damaged and the value of the LINKEDIN Marks jeopardized, all to LinkedIn's detriment.

10. Accordingly, registration of the mark herein opposed will damage LinkedIn because Applicant's mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus Applicant's

LINKED UP MOMMY Mark is unregistrable under Sections 2(d) and 3 of the United States Trademark Act, as amended, 15 U.S.C. §§1052 and 1053, and should be refused registration.

**SECOND GROUND FOR OPPOSITION
DILUTION OF A FAMOUS MARK**

11. LinkedIn incorporates by reference paragraphs 1 through 10, inclusive, as if fully set forth here.

12. The LINKEDIN Marks are highly distinctive of LinkedIn's services. LinkedIn has used the LINKEDIN Marks since at least 2003 for online business networking services and other services, as alleged. LinkedIn has extensively advertised and promoted the LINKEDIN Marks. LinkedIn and the LINKEDIN Marks have also enjoyed extensive media attention. As a result of the considerable publicity afforded the LINKEDIN Marks, and the strong and loyal base of customers that LinkedIn enjoys for its services, the LINKEDIN Marks have a high degree of consumer recognition. LinkedIn is the owner of U.S. registrations for the LINKEDIN Marks. When the public encounters the term "LINKEDIN," it immediately associates the term with LinkedIn, and thus the LINKEDIN Marks are famous.

13. The LINKEDIN Marks became famous before Applicant filed its application for the LINKED UP MOMMY Mark on November 2, 2010 and, on information and belief, before Applicant began using the LINKED UP MOMMY Mark on its website. The LINKED UP MOMMY Mark is similar to the LINKEDIN Marks and it is likely to cause dilution of the famous LINKEDIN Marks, including dilution by blurring, all to LinkedIn's damage. Thus, Applicant's LINKED UP MOMMY Mark is unregistrable pursuant to Sections 2(a)(d), 3, 13, and 43(c) of the United States Trademark Act.

14. Wherefore, LinkedIn prays that this Opposition be sustained, and that Application Serial No. 85/167,622 be refused.

Please recognize the following as attorneys for LinkedIn in this proceeding: Janet L. Cullum, Anne H. Peck, Aaron M. Fennimore, and Peter J. Willsey (members of the Bar of the States of New York, California or Virginia), and the firm of Cooley LLP, 1114 Avenue of the Americas, New York, New York 10036-7798.

Please address all communications to Janet L. Cullum at the address below.

In accordance with 37 C.F.R. §§ 2.101 and 2.6(a)(17), the fee of \$300.00 for one International Class are submitted herewith.

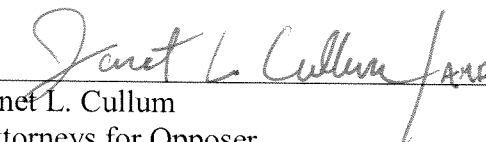
Respectfully submitted,

COOLEY LLP

Janet L. Cullum

Date: February 10, 2012

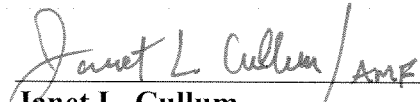
By:


Janet L. Cullum
Attorneys for Opposer
1114 Avenue of the Americas
New York, New York 10036-7798
(212) 479-6500

CERTIFICATE OF SERVICE

I hereby certify that on **February 10, 2012**, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** has been served by mailing said copy on February 10, 2012, via overnight courier (FedEx), postage prepaid, addressed to Applicant Linked Up Mommy at the correspondence address of record with the USPTO: 233 Naples Terrace 3C, Bronx, New York 10463.

Date: February 10, 2012


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